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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,965	07/13/2001	Lisa Steury	40655.2200	3802
20322	7590	02/14/2006	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			MCALLISTER, STEVEN B	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/904,965	<b>Applicant(s)</b> STEURY ET AL.	
	<b>Examiner</b> Steven B. McAllister	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I in the reply filed on 11/23/2005 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Udelhoven et al (2002/0077871).

Udelhoven shows receiving travel reservations, comprising passenger name record data from a CRS (see e.g., Fig. 2, Fig. 6S), reservations data facilitating charging a fee; obtaining a user profile; charging an account for a travel cost; determining a fee based on the travel reservations data (e.g., that only airline reservations were selected as in Fig. 6V) and the user profile (e.g., credit card number, name to be charged); charging the fee.

As to claim 4, Udelhoven shows that the charged account is associated with the user profile.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8, 10-14, 16, 18-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Udelhoven et al (2002/0077871).

Udelhoven shows receiving travel reservations data from a CRS, reservations data facilitating charging a fee; obtaining a user profile; charging an account for a travel cost; determining a fee based on travel reservations data (e.g., that only airline reservations were selected as in Fig. 6V) and the user profile (e.g., credit card number, name to be charged); charging the fee; and providing a billing statement. Udelhoven does not explicitly show that the billing statement shows the travel cost, separately shows the fee, and recites indicia indication that they are related. However, the examiner takes official notice that it is notoriously old and well known in the art to do so. For instance Expedia.com bills the travel cost and service fee as two separate charges and the service fee line item describes that it is the service fee for the reservations. It would have been obvious to one of ordinary skill in the art to modify the method of

Udelhoven by providing the additional billing statement elements in order to provide greater clarity to the overall charges.

As to claim 5 and 16, Udelhoven shows providing a portion of the travel reservation data to a management information system *for* providing periodic enhanced descriptive billing statements.

As to claim 6, Udelhoven shows formatting travel reservation in a PNR format.

As to claims 8, 18 and 22, as discussed regarding claim 1, the descriptive text provides reconciling information.

As to claim 11-13, it is noted that Udelhoven in view of the well known prior art shows means for performing all steps comprising a computer with code causing the computer to accomplish the steps, since the system performs all steps. (It is noted that the human clicks on a button in Fig. 6V to denote e.g., that airfare only has been reserved. However, it is the system that upon receiving the information has coded into it that a \$20 fee should be charged.)

As to claims 14 and 19, it is noted that Udelhoven in view of the well known prior art assists the credit entity by in reconciliation by providing the charge and fee separately and providing text relating them.

As to claim 20 Udelhoven shows all elements except charging the fee to a

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different account than the account used for the cost of the purchase. However, the examiner takes official notice that it is notoriously old and well known in the art to charge different items to different accounts. It would have been obvious to one of ordinary skill in the art to do so in order to provide the user additional flexibility.

As to claim 21, Udelhoven in view of the well known prior art shows all elements of the claim.

As to claims 23 and 24, Udelhoven shows all steps except receiving a billing statement having the fee and cost charged separately wherein the fee is reconciled with the cost. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to deal with a billing statement having these features in order to ease accounting for charges.

As to claim 25, Udelhoven shows all elements of the claims except that the transaction is for emergency travel service assistance. However, the examiner takes official notice that it is notoriously old and well known in the art to purchase emergency travel service assistance. It would have been obvious to one of ordinary skill in the art to purchase emergency travel assistance in order to meet unexpected circumstances.

Additionally, the transaction of buying a ticket, as taught by Udelhoven can be in itself emergency travel service assistance, as broadly claimed, for instance if one had to book a flight to visit suddenly and gravely ill loved one.

As to claim 27, Udelhoven in view of the well known prior art shows that the descriptive statement includes a transaction instrument billing statement.

Alternatively Udelhoven in view of the well known prior art shows everything except that the descriptive statement includes a transaction instrument billing statement. However, the examiner takes official notice that to have the statement include an instrument billing statement is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method of Udelhoven in order to provide further utility in the statement.

As to claim 28, Udelhoven shows a PNR with a codes in a comment section.

Claims 17 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Udelhoven et al.

Udelhoven shows receiving travel reservations, comprising passenger name record data from an accounting system; obtaining a user profile; comparing the PNR data to information in the user profile to determine a fee charged (since the system must compare the PNR data with the profile data in order to determine what card to charge); charging the fee to an account associated with the user profile.

Alternatively, Udelhoven does not explicitly show comparing the user profile and the PNR data. However, the examiner takes official notice that it is notoriously old and well known in the art to determine fee data in association with the user. It would have

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been obvious to one of ordinary skill in the art to modify the method of Udenhoven by comparing the PNR data with the user profile data in determining the fee in order to provide for different fees for different customers (for instance smaller fees for large volume corporate customers).

### ***Response to Arguments***

Applicant's arguments filed 8/25/2005 have been fully considered but they are not persuasive.

Regarding the 102 arguments, applicant argues that "determining said fee based upon a Passenger Name Record" is not shown. However, claim 3 recites determining the fee in reference to "Passenger Name Record data", not in reference to a PNR, itself. As interpreted by the examiner, this means determining the fee is based on at least some data which is in the PNR, and without necessarily directly referencing the PNR. For instance, in determining the fee, the identity of the person at least must be used to reference the correct user profile in order to choose the correct payment method.

Regarding a direct reference to a PNR, please see Fig. 6S.

It is noted that amending the claim to recite that a PNR is referred to, (as opposed to that the fee is based on data in a PNR), it would define over the cited art.

Regarding the user profile, it is noted that it is necessary to refer the profile in order to determine the appropriate account number for the fee.

Regarding the 103 rejection of claims 2, 5, 6, and 10, it is noted that the reference to Expedia is exemplary and not limiting. It is noted that Expedia sends an



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email invoice showing the fee charged as a line item. To the best of the examiner's knowledge, the resulting credit card statement does not list them separately.

Applicant argues that Udelhoven teaches away from providing reconciliation of charges. The examiner respectfully disagrees. While Udelhoven teaches that charges can be split between payment methods, the method of Udelhoven is not limited to that embodiment.

Regarding the statements that certain subject matter is "old and well known" (throughout the claims), it is noted that the MPEP 2144.03(c ) requires the Applicant to adequately traverse the assertion that the subject matter is old and well known in the subsequent response. The examiner notes that the subsequent response does not provide an adequate traverse because MPEP 2144.03(c ) requires that the applicant state why the state facts are not considered to be old and well known, and the subsequent response does not contain this statement. As required by the MPEP 2144.03(c ), since the traversal was fully adequate the well-known in the art statement is taken to be admitted prior.

Regarding claims 17-22, reference is made to the comments above regarding claim 3. It is noted that "determining the fee" in the 102 rejection of claim 17 is not interpreted as limited to determining the amount of the fee, but also who and what account should be charged.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (571) 272-6785. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

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Primary Examiner  
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